

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 05-02-05 Item # 4.b.

File Number
PDC04-093

Application Type
Planned Development Rezoning

Council District
4

Planning Area
Berryessa

Assessor's Parcel Number(s)
254-17-077, 254-17-078

PROJECT DESCRIPTION

Completed by: Sanhita Mallick

Location: Northwest corner of King and Mabury Roads

Gross Acreage: 3.96

Net Acreage: 3.96

Net Density: 22.9 dwelling units/acre

Existing Zoning: IP- Industrial Park

Existing Use: Vacant

Proposed Zoning: A (PD) Planned
Development

Proposed Use: Up to 91 single-family attached residential units.

GENERAL PLAN

Completed by: SM

Land Use/Transportation Diagram Designation
Medium High Density Residential (12-25 dwelling
units/acre)

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SM

North: Single Family Residential

A (PD) Planned Development District

East: Multi-Family Residential

A (PD) Planned Development District

South: Industrial

LI-Light Industrial District

West: Industrial

IP- Industrial Park District

ENVIRONMENTAL STATUS

Completed by: SM

☐ Environmental Impact Report found complete (GP 2020 EIR certified
8/16/1994)

☒ Negative Declaration circulated on 4/8/2005

☐ Negative Declaration adopted on

☐ Exempt

☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SM

Annexation Title: Orchard No. 29

Date: 6/23/1960

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval

☐ Approval with Conditions

☐ Denial

☐ Uphold Director's Decision

Date April 20, 2005

Approved by: _____

☒ Action

☐ Recommendation

APPLICANT/OWNER/DEVELOPER

Joseph Parisi, General Partners
Cherry Acres
C/O Borelli Investment Company
1770 Technology Drive
San Jose, CA 95110

Mike Campbell
HMH Engineers
1570 Oakland Road, Suite 200
San Jose CA 95131

Steve Bull
KB Homes
6700 Koll Center Parkway Suite 200
Pleasanton, CA 94566

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SM

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memoranda from the Fire Department, Environmental Services Division, Department of Parks and Neighborhood Services, Santa Clara County, Valley Transportation Authority, Department of Transportation.

GENERAL CORRESPONDENCE

Letter from Berryessa Union School District

Letter from Independence Neighborhood Association

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, KB Homes, is requesting to change the zoning of the subject 3.96 gross-acre site from IP-Industrial Park to A(PD) Planned Development Zoning District to construct up to 91 single-family attached residential units on the northwest corner of King and Mabury Roads at a density of 22.5 dwelling units per acre (DU/AC). Staff is in the process of reviewing the corresponding Planned Development Permit.

In 2004, the City Council approved a General Plan Amendment (File No. GP04-4-03) on this site to change the designation from Light Industrial to High Density Residential (12-25 DU/AC). Staff and the Planning Commission had recommended a change to Transit Corridor Residential (20+ dwelling units per acre) as a result of General Plan policies that properties within a BART Station Area Node should generally exceed 45 dwelling units per acre for residential sites. The site is within the Berryessa BART Station Area Node that is defined by a circle with a radius of 3,000 feet from the planned BART station. The City Council supported the applicant's General Plan Amendment request for the High Density Residential (12-25 DU/AC) designation as being more compatible with existing residential development to the north.

Site and Surrounding Uses

The 3.96-acre site is generally flat and currently developed with a vacant one-story office/light industrial building built in 1986, of approximately 63,681 square feet of floor space. The site currently provides parking spaces for 216 cars.

The project site is surrounded by single-family residential uses to the north, North King Road to the east, Mabury Road to the south and office uses to the west. The single-family residential development adjacent to the project site on the north is zoned A (PD) Planned Development with a density of 13.2 dwelling units/acre and is developed with single-family detached homes. The site across King Road on the east of the project site is developed with three-story attached multi-family residential units with a density of 22.6 DU/AC. To the south of the site, across Mabury Road, are predominantly light industrial and office uses with LI-Light Industrial zoning. Diagonally across Mabury Road from the subject site are sites zoned CP-Commercial Pedestrian developed with retail/commercial use. The site is approximately 1200 feet from the planned Berryessa BART station at the San Jose Flea Market site.

There are 122 trees on the site, only eight of which are ordinance-sized, all of which are proposed to be removed. Tree species on the site include evergreen Ash, Liquid Amber, Purple-leaf Plum, Podocarpus, Blackwood Acacia, Catalina Laurel Cherry, and Monterey Pine. These trees all appear to have been planted at the time the existing building was constructed..



Project Description

The proposed rezoning would allow up to 91 attached residential units. The applicant's current design shows 91 attached residential units clustered in 12 detached three-story buildings. Each of these individual buildings houses between 5 and 9 units. Each of the buildings has a mix of stacked two-bedroom flats and three-bedroom town-homes. All the units have two-car garages underneath the units at the ground level. The buildings will be 3 stories and are proposed to have a maximum height of 38 feet above grade. Private open space is provided in the form of patios and balconies, with 150 square feet for the town-homes and 110 square feet for the flats.

Vehicular and pedestrian access to the site is provided by means of 20-foot wide driveways from North King and Mabury Roads. Pedestrian access is also provided through several pedestrian paseos that are linked to the sidewalks on King and Mabury Roads. Another major pedestrian access into the project is proposed at the corner of King and Mabury Road, and leads directly into the centrally located common open space within the site.

The draft Development Standards propose an on-site parking ratio of 2.4 spaces per unit. The applicant's proposed 91-unit project provides a total of 224 parking spaces distributed as follows: 182 covered parking spaces in the form of two-car garages on the ground floor of the residential units, and another 42 open parking spaces for the convenience of the guests.

The project proposes 15,000 square feet of centrally-located common open space, to be used for recreational and social purposes by the future residents of the development. Landscaping is provided in the form of street trees along King and Mabury Roads, landscaped areas and trees near the front patios of the residential units, trees along the driveways, parking areas and common open spaces, and, other types of ornamental shrubs and groundcover at different locations throughout the site.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration circulated indicates that the project will not result in a significant environmental impact when the identified mitigations are incorporated. A copy of the Draft MND is attached with this staff report. The Mitigated Negative Declaration addressed issues such as air quality, biological resources, geology and soils, noise, Traffic, Water Quality, Air Quality and Construction related impacts. With the implementation of the proposed mitigation measures, which include construction related mitigation for potential noise, urban runoff, air quality, and water quality impacts, the project will not have a significant impact on the environment.

GENERAL PLAN CONFORMANCE

The proposed project site is designated Medium High Density Residential (12-25 DU/AC). In 2004, the City Council approved a General Plan Amendment on this site to change the previous General Plan Land Use designation of Light Industrial to the current designation. The proposed project density is 22.5 dwelling units per acre, which is within the density range of 12-25 DU/AC. Based on this analysis, staff concludes that the rezoning conforms to the San Jose 2020 General Plan.

Greenline/Urban Growth Boundary (UGB) and Housing Major Strategies

The proposed project also furthers the closely related Greenline and Housing Major Strategies of the General Plan. The Greenline/Urban Growth Boundary Strategy specifies that urban development should only occur within the Urban Service Area where urban services can be efficiently provided. The Housing Strategy promotes higher density infill housing, especially close to transit facilities, to ensure the efficient use of land, to reduce the pressure to build more housing at the fringe of the City, to reduce traffic congestion and to promote an adequate supply of housing for existing and future residents. The Housing Strategy recognizes that continued economic growth in the City and region could be adversely affected by an inadequate supply of housing.

The subject site is situated within the existing urbanized area of the City of San Jose, close to amenities like retail/commercial centers, convenient access to existing and proposed transit such as Valley Transportation Authority's bus and Light Rails Lines, and future BART station at Berryessa. Thus, the site provides an opportunity for infill development in support of the above-mentioned strategies. The current rezoning proposal has the potential to 1) increase the housing supply, 2) maximize the efficient use of existing infrastructure and future transit facilities, and 3) reduce pressure for growth outside the UGB.

ANALYSIS

The analysis section addresses the two main issues of the project, conformance with the Residential Design Guidelines and the Parkland Dedication Ordinance.

Conformance with Residential Design Guidelines

Conformance of the proposed project with regard to different criteria of the Residential Design Guidelines, such as setbacks, building placement, parking and common and private open space is discussed below.

Site Setbacks and Interfaces

Planning staff is concerned about the potential impact of this project on the privacy of residents in the adjacent to existing single-family homes to the north of the project. According to the Residential Design Guidelines, a setback should be provided in the amount of two feet for every one foot of building height between the rear yards of single family residences for three-story residential structures (76 feet) and a 20 foot setback for two story structures. The proposed structures are two stories over parking on the driveway side

however, they appear to be two story on the pedestrian entrance side of the building that would be facing the neighboring residential area to the north.

The proposed distance between the property line and the living area walls is approximately 20 feet on this side of the property. However, at certain locations, stairwells are proposed to extend into this setback area by 8 feet, so that the distance between the rear property line and the outer wall of a staircase is 12 feet. Stairwells are located at the two ends of each detached building. In total, there are six instances where the setback is thus reduced. If the proposed setbacks are approved, measures in regards to grading, landscaping, and architecture will need to be incorporated into the project to minimize the impact of the project on the adjoining residential area. Grading will need to be designed to minimize the height differential between the two developments. Landscaping shall also be designed to provide necessary screening and special window design should be provided in areas in which privacy is of particular concern.

The Residential Design Guidelines state that buildings should not be located in positions that will result in substantial shading of private open space of existing homes in adjacent sites. Shadow studies prepared for this project show that the shadows cast by the proposed buildings does not exceed the shadows cast by the existing 7-foot high sound wall. Therefore, it can be inferred that the proposed units will not result in additional shading of the private open spaces of the detached single family homes to the north of the site.

According to the Residential Design Guidelines, residential structures should have a front setback of 35 feet on major public streets such as King Road and Mabury Road sides of the site. Living areas are proposed to be approximately 25 feet away from the property lines on King and Mabury roads, with the stairwell component of the multi-unit detached buildings set back approximately 15 feet. The proposed setback is less than what is specified in the Residential Design Guidelines but will contribute to the creation of a good street presence and pedestrian-friendly design. The private patios in the front setback along King and Mabury will be raised several feet above the grade of the street, providing buffer and separation from the road traffic.

Building-to-Building Separation

The Residential Design Guidelines provide that for new residential developments comprised of townhomes, the minimum front-to-front and rear-to-rear separation should be 30 feet. The proposed project provides a first floor rear-to-rear wall separation of 30 feet across the access driveway for all units. The proposed front-to-front separation is generally 30 feet or greater, excepting for a very small number of units near the center of the site, where the minimum separation is approximately 20 feet facing the smaller common open space, due to the tapering of the site.

For townhomes, the minimum side-to-side setback is recommended to be 20 feet, which may be reduced to 10 feet for short walkways. Given the size and tapering shape of the site, a 17-foot side-to-side separation as proposed by the project is practicable.

Based on this analysis, staff concludes that the project conforms to the Residential Design Guidelines with regard to building-to-building separation.

Parking

The following are the parking space requirements for residential development according to the Residential Design Guidelines:

- 2 Bedroom units with tandem garages: 2.7 spaces/dwelling units
- 3 Bedroom units with 2 car garages: 2.6 spaces/dwelling units

The project proposes 48 two-bedroom units with 2-car tandem garages and 43 three-bedroom townhome units with 2-car garages. There are 42 surface guest parking spaces as well. In total there are 224 parking spaces so that the parking ratio is 2.4 spaces/dwelling unit. The subject site is approximately 1200 feet away from the planned Berryessa BART station, and approximately 1.2 miles away from the Capitol & Mabury station on the VTA Light Rail Line. Bus stops for the VTA bus lines running on North King Road and Mabury Road are within walking distance of the site. In view of the proximity to existing and future transit facilities, staff believes the Draft Development Standards parking requirements of 2.4 spaces/unit should be sufficient and in conformance with the intent of the Residential Design Guidelines

Based on this analysis, staff concludes that the project conforms to the Residential Design Guidelines in regard to parking supply.

Common Open Space

According to the Residential Design Guidelines, new residential developments comprised of townhomes should provide common open space at the rate of 150 square feet per dwelling unit. The requirement is lower for developments with stacked flat type units. The intent behind the open space requirement is to provide a “usable open space requirement for recreation and social activities” of the residents.

The project proposes a centralized common open space, approximately 15,000 square feet in area that can be used for recreational and social activities and which slightly exceeds the Guidelines requirements. The open space will also incorporate a small tot-lot. In the absence of a park in the immediate vicinity, this open space will be an amenity to the residents of the development, especially for families with young children.

Private Open Space

The Guidelines recommend that townhomes similar to those proposed by the applicant provide private open space at the rate of 300 square feet per unit. Private open space can occur in the form of a rear yard, patio, balcony and/or deck with a minimum width for such space of 15 feet. The current project proposes approximately 150 square foot front patios, which are 14 feet wide. Stacked flats similar to those proposed by the current project are recommend to provide private open space at the rate of 60 square feet per unit. Minimum width for such space should be 6 feet. The current project proposes approximately 110 square foot front balconies and patios, which are 14 feet wide.

From the above analysis, staff concludes that although the project does not meet the required area for private open space for the townhome units, it meets or exceeds the requirement for private open spaces for the stacked flat units. Moreover, as discussed earlier, the project also proposes a large

common open space that can be used for recreation and social activities, which can be considered as a valuable amenity for the development generally, and particularly the families with children. In view of these factors, staff concludes that the project conforms to the Residential Design Guidelines with regard to project open space.

Conformance with the Parkland Dedication Ordinance (PDO)

One of the main issues discussed during the review of this project was whether the site should include on-site dedication of land for public park purposes or pay fees to fund park improvements elsewhere. Planning staff has asked for the inclusion of a public park within the project that could be expanded with future housing on adjoining properties to the west. Planning staff, in its review of the proposed rezoning of the nearby Flea Market site, has looked at a much broader area for future industrial conversion proposals. Through that review, staff identified that the area west of King Road was lacking sufficient public park improvements. This is the result of several previous industrial conversions, which have occurred with no park land being dedicated. Staff determined that a requirement to include the dedication of parkland as a part of this project would be appropriate. As noted above, from the staff work completed to date in this area and past Council actions, staff believes it is likely that additional residential conversions and development will continue to occur in this area in anticipation of the planned Berryessa BART station.

According to the Parkland Dedication Ordinance, a project of this size should dedicate at least 0.8 acres of land for constructing a park. As per the initial memorandum of the Department of Parks, Recreation and Neighborhood Services (PRNS) (attached), Planning staff recommended an onsite dedication of 0.8 acres of neighborhood-serving parkland, with the opportunity for a larger park (approximately 2 acres) with the addition of similarly-sized areas that would be dedicated as part of the eventual residential development of neighboring sites to the west.

The nearest City park to this site is Watson Park on the opposite side of U.S. Highway 101. The highway is an obvious major barrier to access of this neighborhood park from the project site. There are no other City-developed parks within a $\frac{3}{4}$ mile radius of this site.

The project does not include any on-site park dedication, and the applicant has proposed to pay in-lieu PDO fees instead to maximize the amount of land area to build housing. With the payment of fees, the City will be forced to acquire the land, a much more costly means of acquiring park land, often resulting in less square footage.

In February, PRNS revised the previous recommendation and recommended that the project submit payment of in-lieu fees instead of on-site dedication of parkland. The fees will be used towards development of the tot area indicated in Reach 6 of the Penitencia Creek Park Chain adjacent to King Road, which is approximately 1000 feet northwesterly of the project site. To date, no long-term strategy exists for parks in this area that accounts for the continued piecemeal housing development pattern that has evolved.

PUBLIC OUTREACH

A community meeting was held on February 17, 2005 at Piedmont Middle School on Piedmont Road and Penitencia Creek Road. Community members who attended the meeting expressed concern regarding the lack of parkland in the project vicinity. The community members

suggested that on-site park be proposed instead of accepting in-lieu fees. Other issues of concern that came up in the meeting were: parking, integration of the project with the existing community, flooding, traffic, and, accessibility of the units to seniors and disabled people.

Staff has received a letter from the Independence High Neighborhood Association on the proposed rezoning. The letter is attached to the staff report. In the letter, the members of the association requested staff to incorporate on-site parkland instead of accepting in-lieu fees, because of the lack of parkland in the neighborhood. The author of the letter was present at the community meeting and expressed the same concern.

Notices of the public hearing before the Planning Commission and City Council were published, posted on the City of San Jose web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. A Draft Mitigated Negative Declaration for the project was also mailed to property owners and tenants within 1,000 feet of the project site and was posted on the City web site. Staff has been available to discuss the project with members of the public.

CONCLUSION

Planning staff is supportive of the proposed rezoning to Planned Development for constructing up to 91 attached single-family residential units, as it will implement the San Jose 2020 General Plan by facilitating the use of the site which is consistent with the Medium High Density Residential (12-25 DU/AC) General Plan designation and the surrounding area.

The proposed project also provides a significant opportunity to further important goals and strategies of the General Plan for high-density, infill development within the Urban Service Area and conforms to the Residential Design Guidelines in terms of neighborhood compatibility, parking supply, and site design.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium High Density Residential (12-25 DU/AC) and provides an opportunity to further important goals and strategies of the General Plan for high-density, infill development within the Urban Service Area.
2. The proposed project is in substantial conformance with the Residential Design Guidelines.
3. The proposed rezoning is compatible with existing uses on the adjacent and neighboring properties.